UNITED STATES PATENT AND TRADEMARK OFFICE

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10/814,907	03/26/2004	Reinhold Kautzleben	6570P027	6322

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EXAMINER
LINDSEY, MATTHEW S

ART UNIT	PAPER NUMBER
2151	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/814,907	KAUTZLEBEN ET AL.
	Examiner	Art Unit
	MATTHEW S. LINDSEY	2151

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _08 April 2008_.

2a)☒ This action is **FINAL**.　　　　　2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-32_ is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-32_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All　b)☐ Some * c)☐ None of:

　　　1.☐ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____ .

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
　　Paper No(s)/Mail Date _08 April 2008_.

4)☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____ .

DETAILED ACTION

1.   Claims 1-32 are pending in this application. Claims 1, 13, 24, and 29 have been

amended as filed on 8 April 2008.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3.   **Claims 1-7, 13-17, 24-28, and 29-31 are rejected under 35 U.S.C. 103(a) as**

being unpatentable over Viswanath (US 2004/0019662) in view of Kekic et al. (US

6,664,978 B1).

4.   With respect to Claim 1, Viswanath discloses: "A monitoring system employed

within a network ([0024], lines 1-5) comprising:

a file including semantics and directives to generate a monitor tree ([0025], lines

12-18), wherein the file is retrieved from a database ([0065], lines 9-12, specifically

"database-based") by a monitor service ([0025], lines 1-5, in order to use the meta-

information, the administration framework generator mechanism must retrieve the meta

information); where the semantics and directives define a hierarchical architecture

([0063], second col., lines 1-8) of a plurality of resources of an application server

([0064], lines 12-14) of a cluster of application servers ([0046], lines 1-3 and [0053],

lines 1-3);

the monitor tree generated based, at least in part, on the Semantics and the

directives of the file ([0025], lines 1-6) to monitor the plurality of resources ([0128], lines

1-4 and Abstract, lines 5-7), wherein the monitor tree includes a plurality of nodes

([0025], lines 14-18, where an hierarchical relationship among elements implies a

plurality of nodes), each of the plurality of nodes having a monitor managed bean and a

resource of the plurality of resources associated with the monitor managed bean

([0024], lines 8-14)" and

"a visual administrator module to provide an interface to the monitoring system

([0087], lines 1-4)",

Viswanath does not disclose: "wherein each node provides an individual report of

the resources associated with the monitor managed bean of the node, where the

monitor tree enables distributed monitoring of the resources without requiring all

monitoring data to be reported to a central location" or "the visual administrator

providing access to monitoring information of each resource without requiring all

monitoring data to be reported to a central location".

However, Kekic discloses: "wherein each node provides an individual report of

the resources associated with the monitor managed bean of the node (Col. 2, lines 33-

38), where the monitor tree enables distributed monitoring of the resources (Col. 2, lines 63-67) without requiring all monitoring data to be reported to a central location (Col. 2, lines 33-41, agent processes monitor and control the operation of the network element by maintaining a MIB)", and "the visual administrator providing access to monitoring information of each resource (Col. 2, lines 39-41) without requiring all monitoring data to be reported to a central location (Col. 2, lines 33-35, agent processes monitor and control the operation of the network element by maintaining a MIB)".

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the server administration system of Viswanath with the teachings of Kekic to include support for each node to provide an individual report of its resources without requiring all monitoring data to be reported to a central location. Motivation to combine these references comes from Kekic where: "SNMP is an industry standard for managing heterogeneous TCP/IP-based computer network elements from a single management application" (Col. 1, lines 63-65). SNMP includes agents, as described by Kekic Col. 2, lines 33-41, which maintain a database reflecting the status of the network element. Therefore by combining the references, the server administration system of Viswanath can use industry standards for managing heterogeneous TCP/IP-based computer networks.

5.   With respect to Claim 13, Viswanath discloses: "A computer-implemented method employed within a network ([0024], lines 1-5) comprising:

accessing a file in a database ([0065], lines 9-12, specifically "database-based",

and [0025], lines 1-5, in order to use the meta-information, the administration framework

generator mechanism must access the meta information), the file having semantics and

directives to generate a monitor tree ([0025], lines 12-18) to individually monitor a

plurality of resources within the network ([0128], lines 1-4 and Abstract, lines 5-7) where

the semantics and directives define a hierarchical architecture ([0063], second col., lines

1-8) of a plurality of resources of an application server ([0064], lines 12-14) of a cluster

of application servers ([0046], lines 1-3 and [0053], lines 1-3);

generating the monitor tree based, at least in part, on the semantics and the

directives of the file ([0025], lines 1-6), the monitor tree to monitor the plurality of

resources ([0025], lines 14-18, where an hierarchical relationship implies a plurality of

nodes)" and

"each of the plurality of nodes having a monitor managed bean and a resource of

the plurality of resources associated with the monitor managed bean ([0024], lines 8-

14)".

Viswanath does not disclose: "wherein each node provides an individual report of

the resources associated with the monitor managed bean of the node, where the

monitor tree enables distributed monitoring of the resources without requiring all

monitoring data to be reported to a central location", or "and displaying, at least a

portion of, the generated monitor tree on a graphical user interface of a visual

administrator, wherein the displayed portion of the generated monitor tree includes the

plurality of nodes", or "including providing access through the graphical user interface to

monitoring information of each resource without requiring all monitoring data to be

reported to a central location".

However, Kekic discloses: "wherein each node provides an individual report of

the resources associated with the monitor managed bean of the node (Col. 2, lines 33-

38), where the monitor tree enables distributed monitoring of the resources (Col. 2, lines

63-67) without requiring all monitoring data to be reported to a central location (Col. 2,

lines 33-41, agent processes monitor and control the operation of the network element

by maintaining a MIB)",

"and displaying, at least a portion of, the generated monitor tree on a graphical

user interface of a visual administrator, wherein the displayed portion of the generated

monitor tree includes the plurality of nodes (Col. 5, lines 47-51 and Figure 3B, object

305)", and

"including providing access through the graphical user interface to monitoring

information of each resource (Col. 2, lines 39-41, where the SNMP manager can make

requests for monitored information, and Col. 5, lines 40-44, where a network element is

presented to a user through GUI, so the user can see a visual representation of the

components of the computer network element) without requiring all monitoring data to

be reported to a central location (Col. 2, lines 33-35, agent processes monitor and

control the operation of the network element by maintaining a MIB)".

It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify the server administration system of Viswanath with the teachings of

Kekic to include support for each node to provide an individual report of its resources without requiring all monitoring data to be reported to a central location. Motivation to combine these references comes from Kekic where: "SNMP is an industry standard for managing heterogeneous TCP/IP-based computer network elements from a single management application" (Col. 1, lines 63-65). SNMP includes agents, as described by Kekic Col. 2, lines 33-41, which maintain a database reflecting the status of the network element. Therefore by combining the references, the server administration system of Viswanath can use industry standards for managing heterogeneous TCP/IP-based computer networks.

6.   With respect to Claim 24, Viswanath discloses: "A system (Abstract, line 1) comprising:

a means for accessing a file in a database ([0065], lines 9-12, specifically "database-based", and [0025], lines 1-5, in order to use the meta-information, the administration framework generator mechanism must access the meta information), the file having semantics and directives to generate a monitor tree ([0025], lines 12-18) to individually monitor a plurality of resources within the network ([0128], lines 1-4 and Abstract, lines 5-7), where the semantics and directives define a hierarchical architecture ([0063], second col., lines 1-8) of a plurality of resources of an application server ([0064], lines 12-14) of a cluster of application servers ([0046], lines 1-3 and [0053], lines 1-3);

a means for generating the monitor tree based, at least in part, on the semantics

and the directives of the file ([0025], lines 1-6), the monitor tree to monitor the plurality

of resources ([0025], lines 14-18, where an hierarchical relationship implies a plurality of

nodes)" and

"each of the plurality of nodes having a monitor managed bean and a resource of

the plurality of resources associated with the monitor managed bean ([0024], lines 8-

14)".

Viswanath does not disclose: "wherein each node provides an individual report of

the resources associated with the monitor managed bean of the node, where the

monitor tree enables distributed monitoring of the resources without requiring all

monitoring data to be reported to a central location", or "and a means for displaying, at

least a portion of the generated monitor tree on a graphical user interface of a visual

administrator, wherein the displayed portion of the generated monitor tree includes a

plurality of nodes", or "including providing access through the graphical user interface to

monitoring information of each resource without requiring all monitoring data to be

reported to a central location".

However, Kekic discloses: "wherein each node provides an individual report of

the resources associated with the monitor managed bean of the node (Col. 2, lines 33-

38), where the monitor tree enables distributed monitoring of the resources (Col. 2, lines

63-67) without requiring all monitoring data to be reported to a central location (Col. 2,

lines 33-41, agent processes monitor and control the operation of the network element

by maintaining a MIB)",

"and a means for displaying, at least a portion of, the generated monitor tree on

a graphical user interface of a visual administrator, wherein the displayed portion of the

generated monitor tree includes the plurality of nodes (Col. 5, lines 47-51 and Figure

3B, object 305)", and

"including providing access through the graphical user interface to monitoring

information of each resource (Col. 2, lines 39-41, where the SNMP manager can make

requests for monitored information, and Col. 5, lines 40-44, where a network element is

presented to a user through GUI, so the user can see a visual representation of the

components of the computer network element) without requiring all monitoring data to

be reported to a central location (Col. 2, lines 33-35, agent processes monitor and

control the operation of the network element by maintaining a MIB)".

It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify the server administration system of Viswanath with the teachings of

Kekic to include support for each node to provide an individual report of its resources

without requiring all monitoring data to be reported to a central location. Motivation to

combine these references comes from Kekic where: "SNMP is an industry standard for

managing heterogeneous TCP/IP-based computer network elements from a single

management application" (Col. 1, lines 63-65). SNMP includes agents, as described by

Kekic Col. 2, lines 33-41, which maintain a database reflecting the status of the network

element. Therefore by combining the references, the server administration system of

Viswanath can use industry standards for managing heterogeneous TCP/IP-based computer networks.

7.   With respect to Claim 29, Viswanath discloses: "An article of manufacture (Abstract, line 1) comprising: an electronically accessible medium providing instructions that, when executed by an apparatus, cause the apparatus to

access a file in a database ([0065], lines 9-12, specifically "database-based", and [0025], lines 1-5, in order to use the meta-information, the administration framework generator mechanism must access the meta information), the file having semantics and directives to generate a monitor tree ([0025], lines 12-18) to individually monitor a plurality of resources within the network ([0128], lines 1-4 and Abstract, lines 5-7), where the semantics and directives define a hierarchical architecture ([0063], second col., lines 1-8) of a plurality of resources of an application server ([0064], lines 12-14) of a cluster of application servers ([0046], lines 1-3 and [0053], lines 1-3);

generate the monitor tree based, at least in part, on the semantics and the directives of the file ([0025], lines 1-6), the monitor tree to monitor the plurality of resources ([0025], lines 14-18, where an hierarchical relationship implies a plurality of nodes)" and

"each of the plurality of nodes having a monitor managed bean and a resource of the plurality of resources associated with the monitor managed bean ([0024], lines 8-14)".

Viswanath does not disclose: "wherein each node provides an individual report of

the resources associated with the monitor managed bean of the node, where the

monitor tree enables distributed monitoring of the resources without requiring all

monitoring data to be reported to a central location", or "and displaying, at least a

portion of, the generated monitor tree on a graphical user interface of a visual

administrator, wherein the displayed portion of the generated monitor tree includes the

plurality of nodes", or "including providing access through the graphical user interface to

monitoring information of each resource without requiring all monitoring data to be

reported to a central location".

However, Kekic discloses: "wherein each node provides an individual report of

the resources associated with the monitor managed bean of the node (Col. 2, lines 33-

38), where the monitor tree enables distributed monitoring of the resources (Col. 2, lines

63-67) without requiring all monitoring data to be reported to a central location (Col. 2,

lines 33-41, agent processes monitor and control the operation of the network element

by maintaining a MIB)",

"and display, at least a portion of, the generated monitor tree on a graphical user

interface of a visual administrator, wherein the displayed portion of the generated

monitor tree includes the plurality of nodes (Col. 5, lines 47-51 and Figure 3B, object

305)", and

"including providing access through the graphical user interface to monitoring

information of each resource (Col. 2, lines 39-41, where the SNMP manager can make

requests for monitored information, and Col. 5, lines 40-44, where a network element is presented to a user through GUI, so the user can see a visual representation of the components of the computer network element) without requiring all monitoring data to be reported to a central location (Col. 2, lines 33-35, agent processes monitor and control the operation of the network element by maintaining a MIB)".

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the server administration system of Viswanath with the teachings of Kekic to include support for each node to provide an individual report of its resources without requiring all monitoring data to be reported to a central location. Motivation to combine these references comes from Kekic where: "SNMP is an industry standard for managing heterogeneous TCP/IP-based computer network elements from a single management application" (Col. 1, lines 63-65). SNMP includes agents, as described by Kekic Col. 2, lines 33-41, which maintain a database reflecting the status of the network element. Therefore by combining the references, the server administration system of Viswanath can use industry standards for managing heterogeneous TCP/IP-based computer networks.

8.   With respect to Claim 2, the combination of Viswanath and Kekic disclose: "The system of claim 1, wherein the monitoring system is a Java management extensions (JMX) - based monitoring system (Viswanath, [0120], lines 1-3)".

9.   With respect to Claim 3, the combination of Viswanath and Kekic disclose: "The

system of claim 2, wherein the visual administrator module comprises: a convenience

interface to obtain information from the monitor service (Viswanath, [0046], lines 15-19);

and a graphical user interface to provide a graphical representation of the monitor tree

based, at least in part, on the information obtained by the convenience interface (Kekic,

Col. 5, lines 40-51)".

10.   With respect to Claims 4, 14, 25, and 30 the combination of Viswanath and Kekic

discloses: "wherein the graphical user interface is to provide a window pane to display,

at least a portion of, the graphical representation of the monitor tree (Kekic, Col. 5, lines

47-51 and Figure 3B, object 305)".

11.   With respect to Claims 15, 26, and 31 the combination of Viswanath and Kekic

discloses: "further comprising: selecting one of the plurality of nodes (Kekic, Col. 24,

lines 22-27) the selected node having a monitor managed bean and a resource of the

plurality of resources associated with the monitor managed bean (Viswanath, [0021],

lines 1-7)".

12.   With respect to Claims 5, 16, and 27 the combination of Viswanath and Kekic

discloses: "wherein the graphical user interface is to further provide a second window

pane to display a list of one or more properties for at least one of the plurality of nodes

of the monitor tree (Kekic, Col. 23, lines 45-48 and Figures 6A and 6B, Object 603)".

13.   With respect to Claims 6, 17, and 28 the combination of Viswanath and Kekic

discloses: "wherein the list of one or more properties includes one or more key-value

pairs, each key-value pair having a key to identify a listed property and a corresponding

value to specify a current value of the identified property (Kekic, Figure 3B, under the

heading "Status of "a_hotspot"", "Attribute Name" heading and "Value" heading)".

14.   With respect to Claim 7, the combination of Viswanath and Kekic discloses: "The

system of claim 4, wherein the graphical user interface is to select one of the plurality of

nodes of the graphical representation of the monitor tree (Kekic, Col. 23, lines 43-48)

the selected node having a monitor managed bean (Viswanath [0119], lines 1-7)".

15.   Claims 8-12, 18-23, and 32 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Viswanath in view of Kekic as applied to claims 7, 15, and 30

above, and further in view of Fuchs (US 2003/0177477 A1).

16.   With respect to Claims 8 and 18, the combination of Viswanath and Kekic

disclose: "wherein the graphical user interface is to further provide a second window

pane having an attribute tab (Kekic, Figure 3B, under the heading "Status of

"a_hotspot"", and Col. 24, lines 12-13)".

        The combination of Viswanath and Kekic do not disclose: "and an operation tab".

However, Fuchs discloses: "and an operation tab ([0093] to [0095], specifically

[0095], where each MBean management interface comprises operations)".

It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify the server administration system of Viswanath in view of Kekic with

the teachings of Fuchs to include support for a interface having an operations tab.

Motivation to combine these references comes from Kekic, "As a user looks at the

visual display in the graphic user interface, the user is provided the same visual

information as if the user where physically present at the location of the managed

computer network element. Thus, at a glance, a user can obtain considerable

information about the status of the computer network element as represented by the

visual display (Abstract, lines 26-32)". Therefore by combining the server administration

system of Viswanath in view of Kekic with the operations interface of Fuchs, a user can

obtain operations information about a managed element at a glance.

17.   With respect to Claims 9 and 19, the Claim is rejected for the same reasons as

Claims 8 and 18 above.

In addition, Kekic discloses: "wherein the second window pane is to display a list

of one or more attributes of the monitor managed bean, if the attribute tab is selected

(Kekic, Figure 3B, under the heading "Status of "a_hotspot"", and Col. 24, lines 12-13)".

18.   With respect to Claims 10 and 20, the Claim is rejected for the same reasons as

Claims 8 and 18 above.

In addition, Kekic discloses: "wherein at least one of the listed attributes includes a value field specifying a current value of the listed attribute (Col. 24, lines 12-13, and Figure 3B, under the heading "Status of "a_hotspot"", the Table column of Value)".

19.   With respect to Claim 21, the Claim is rejected for the same reasons as Claim 18 above.

In addition, the combination of Viswanath and Kekic discloses: "The method of claim 20, further comprising: "entering a value (Viswanath, [0124], lines 15-19) listed in the value field (Kekic, Col. 24, lines 12-13 and lines 18-20 and Figure 6B, object 603) to specify a new value for the attribute (Viswanath, [0069], lines 4-5, specifically the set command)".

20.   With respect to Claims 11 and 22, the Claims are rejected for the same reasons as Claims 8 and 18 above.

In addition, Fuchs discloses: "wherein the second window pane is to display a list of one or more operations of the monitor managed bean, if the operation tab is selected ([0093] to [0095], specifically [0095], where each MBean management interface comprises operations)".

21.   With respect to Claims 12 and 23, the Claims are rejected for the same reasons as Claims 8 and 18 above.

In addition, Kekic discloses: "wherein the second pane is to display an invoke button to selectively invoke (Col. 55, lines 44-45, and Figure 6B, object 606, specifically button "Edit Value")";

and, Fuchs discloses: "listed operations of the monitor managed bean ([0093] to [0095], specifically [0095], where each MBean management interface comprises operations)".

22.   With respect to Claim 32, the combination of Viswanath and Kekic disclose: "The article of manufacture of claim 30, wherein the electronically accessible medium provides further instructions that, when executed by the apparatus, cause the apparatus to display a second window pane having an attribute tab (Kekic, Col. 24, lines 12-13)", and "and display a list of one or more attributes of the monitor managed bean (Viswanath, [0021], lines 1-7), if the attribute tab is selected (Kekic, Col. 24, lines 12-13)".

The combination of Viswanath and Kekic do not disclose: "and an operation tab".

However, Fuchs discloses: "and an operation tab ([0093] to [0095], specifically [0095], where each MBean management interface comprises operations)".

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the server administration system of Viswanath in view of Kekic with the teachings of Fuchs to include support for a interface having an operations tab. Motivation to combine these references comes from Kekic, "As a user looks at the visual display in the graphic user interface, the user is provided the same visual

information as if the user where physically present at the location of the managed

computer network element. Thus, at a glance, a user can obtain considerable

information about the status of the computer network element as represented by the

visual display (Abstract, lines 26-32)". Therefore by combining the server administration

system of Viswanath in view of Kekic with the operations interface of Fuchs, a user can

obtain operations information about a managed element at a glance.

Response to Arguments

23.   Examiner notes amendments to the specification and the objection to the

specification and the objection to the drawings has been removed.

24.   Applicant's arguments with respect to claims 1 and 2 have been considered but

are moot in view of the new ground(s) of rejection.

25.   Applicant's arguments, see pg 11, Rejections Under 35 USC 103 filed 08 April

2008 have been fully considered but they are not persuasive. Applicant argues: "Kekic

fails to disclose or suggest wherein each node provides an individual report of the

resource associated with the monitor managed bean of the node, where the monitor

tree enables distributed monitoring of the resources without requiring all monitoring data

to be reported to a central location" (pg 11, lines 15-18). Examiner respectfully

disagrees, Kekic discloses: "wherein each node provides an individual report of the

resources associated with the monitor managed bean of the node (Col. 2, lines 33-38,

where each node has an agent process which stores status data in a database and

responds to requests for status from the SNMP manager), where the monitor tree

enables distributed monitoring of the resources (Col. 2, lines 63-67, where the status

database objects are categorized in a tree like data structure) without requiring all

monitoring data to be reported to a central location (Col. 2, lines 33-41, where agent

processes of each network element monitor and control the operation of the network

element by maintaining a status database)".

Applicant further argues: "Furthermore, the dependent claims are patentable over

the cited references for at least the same reasons set forth above for the independent

claims" (pg 11, lines 23-24). Examiner respectfully disagrees, independent claims have

been rejected, see above reasons and arguments, therefore dependent claims are not

patentable based on the patentability of the independent claims.

Conclusion

26.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to MATTHEW S. LINDSEY whose telephone number is

(571)270-3811. The examiner can normally be reached on Mon-Thurs 7:30-5, Fridays

7:30-1.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MSL
6/4/2008

/John Follansbee/

Supervisory Patent Examiner, Art Unit 2151